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F.B.I. Agent Tells of Questioning Spy Suspect

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LOS ANGELES, Jan. 15 — The head of the Los Angeles office of the Federal Bureau of Investigation testified today that he had advised Richard W. Miller, the first bureau agent to be charged with espionage, before his arrest that there was a need for religious "repentance," but he said he had done so to protect the national security.

The head of the bureau office, Richard T. Bretzing, who was Mr. Miller's superior, testified at a hearing late today in response to Mr. Miller's contention that Mr. Bretzing had coerced him by means of religious pressure to make incriminating admissions about his activities with a Russian émigré couple accused of being Soviet spies. Mr. Miller and the couple have been indicted on a charge of espionage conspiracy, an offense that can be punished by life in prison.

Mr. Bretzing is a member of the Church of Jesus Christ of Latter-day Saints. Mr. Miller was excommunicated by the church a year ago.

Today's proceedings came on the fifth day of a pretrial hearing in the case before Judge David V. Kenyon of Federal District Court. Mr. Miller was arrested Oct. 2 on charges of conspiring to sell classified documents to the Russian couple, Nikolay and Svetlana Ogorodnikov, for \$65,000 in cash and gold.

He Tells of Two Brief Meetings

Mr. Bretzing, who has been with the bureau for 20 years and the head of the Los Angeles office since 1982, testified that he spoke with Mr. Miller last Sept. 29 and 30 when the agent was undergoing interrogation and polygraph, or lie-detector, tests. He said both meetings were brief, 10 minutes and 15 minutes.

Referring to the bureau, Mr. Bretzing testified that "we believed he had passed" classified documents to Mrs. Ogorodnikov. Mr. Bretzing said he was also concerned about "what appeared to be a lack of candor" by Mr. Miller regarding such actions.

"I was concerned because of the potential for damage to the United States and that the lives of operatives may have been compromised by Mr. Miller," he said. Mr. Bretzing said that Mr. Miller began to repeat his denials.

The next day, they met again. On that occasion, Mr. Bretzing said he put forth "a hypothetical situation" to Mr. Miller. He testified that he told the agent that if he had offered to sell information to the Soviet Union and wanted to "limit the damage, then the best course of action was to own up to it, let the chips fall where they may and make a fresh start."

'Spiritual Ramifications'

The bureau official said he told Mr. Miller that the agent probably recognized the "legal and moral" implications of his actions but, "I wondered if he recognized the spiritual ramifications."

"I suggested that he probably remembered from his previous teachings what was involved in repentance," Mr. Bretzing said. He also "reminded him that restitution was involved," Mr. Bretzing said, testifying that he had indicated to Mr. Miller that restitution meant "letting the Government know how seriously he had damaged" national security.

Under questioning by United States Attorney Robert C. Bonner of the Central District of California, Mr. Bretzing said Mr. Miller had responded that he had thought about their previous conversation.

Mr. Bretzing went on to testify that Mr. Miller "did not admit or confess" anything to him, or to P. Bryce Christensen, head of the counterintelligence unit in the Los Angeles bureau, regarding his meetings with Mrs. Ogorodnikov. In discussing the case in the days after Mr. Miller's arrest, Government officials said Mr. Miller had admitted his role in passing documents to the purported Soviet spy.

The hearing before Judge Kenyon is to consider a motion by Mr. Miller's lawyers, Joel Levine and Stanley I. Greenberg, to have statements Mr. Miller made to his superiors and inves-

tigating agents in the bureau's inquiry barred from the trial. Other motions under consideration include a request by the Government to sever the trials of Mr. Miller and the Ogorodnikovs, and its request to prosecute Mr. Miller first.

Mrs. Ogorodnikov, 34 years old, and Mr. Ogorodnikov, 51, who are represented by separate lawyers, have both objected to Mr. Miller's trial being held first on the ground that that it would prevent them from getting a fair trial. Mr. Miller's lawyers have said in court papers that they have no objection to

the Russians being tried first, saying that sequence would harm no one.

The trial for all three defendants is now scheduled to begin Feb. 12.

Mr. Miller took the witness stand for the first time last Saturday. He said his reason for contact with the Ogorodnikovs was that he believed he was infiltrating a unit of the K.G.B., the Soviet secret police. The Government has said that Mrs. Ogorodnikov had told Mr. Miller in the course of their relationship, from last May through late September, that she was "a major" in the K.G.B.